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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/736,010

12/15/2003

William Stephen Kosh

15826-103002

2956

26231

7590

07/07/2004

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EXAMINER

RAEVIS, ROBERT R

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|----------------------------------------------|--|
| Office Action Summary | Application No. 10/736,010 | Applicant(s) KOSH, WILLIAM STEPHEN | |
| | Examiner Robert R. Raevis | Art Unit 2856 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-27 is/are pending in the application.
 4a) Of the above claim(s) 21-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 26 and 27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/15-03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election of Group III without traverse is acknowledged.

The disclosure is objected to because of the following informalities: the top of page 1 should make reference to the parent application serial number, and the status of that application.

Appropriate correction is required.

Claims 26,27 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 26, isn't the "a handheld calibrated pressure sensor" (line 9) part of the "handheld device" (of line 4), and in effect claiming the same element twice? (Note that page 4, line 18, of the specification states that the handheld device has the handheld calibrated pressure sensor.) The claim should be amended to suggest that the handheld device includes the calibrated pressure sensor, as presently the claim suggests that the two elements are separate, when they are not.

As to claim 27, isn't the "a pressure measuring instrument" (lines 2-3) the same as that on line 1? Shouldn't "a pressure" (line 2) read –the pressure–? Also, isn't the "a handheld calibrated pressure sensor" (line 10) part of the "handheld device" (line 7)? Presently, the claim suggests that there are two different handheld devices, but there is only one handheld device that performs two functions.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Robertson, Jr et al teach (sole figure) use of a pressure source 30 with valves 36, 38 to adjust a differential pressure sensor 12. However, the source 30 does not include a pressure sensor (probably, as the calibration is for zeroing).

Jones teaches (Figure 1) use of a pressure source 96, 62, 64, 122 with valves to calibrate a differential pressure sensor 52. However, the source does not include a pressure sensor, as a value is computed by mercury height changes (col. 4, lines 14-24), and no valve is *adjusted* to achieve a desired pressure differential.

Wallace teaches (Figures 1, 2) a calibration system that includes a handheld device that provides a pressure source that adjusts pressure by turning of a screw type piston 20. The same device includes a pressure sensor 22, 10. However, the pressure sensor tested is not of the differential pressure type variety. Also, not single valve is *adjusted* to achieve a desired pressure differential.

Martin teaches adjustment calibration pressure with an adjustment knob 94 for calibration of a pressure sensitive device. However, the knob does not control a valve, and the pressure sensitive device is not a differential pressure gauge.

Richardson et al teach a system (Figure 1) to calibrate a differential pressure gauge 1, the system using a deadweight gauge 6 to vary the pressure. However, the system does not adjust pressure to a desired pressure differential by use of a valve, and does not employ a pressure reading from a hand held sensor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raavis whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 7am to 4pm.

Art Unit: 2856

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

R. A. Evis
RAEVIS